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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 06-03-2026

CORAM

THE HONOURABLE MR.JUSTICE SUNDER MOHAN

CRL RC No.2863 of 2025

Sanjay Jalan

Petitioner(s)

Vs

Sathish

Respondent(s)

PRAYER

To set aside the Judgment dated 09.12.2025 of the learned XVI Additional Sessions Judge, City Civil Court, Chennai in C.A.No.189 of 2025 against the judgment dated 27.01.2025 of the learned Metropolitan Magistrate, Fast Track Court IV, George Town, Chennai in S.T.C.No.3407 of 2022.

For Petitioner(s): A.Nagarajan

For Respondent(s): Manoharan S Sundaram

ORDER

This matter is posted today before this Court under the caption 'For Being Mentioned' at the instance of the learned counsel appearing for the petitioner.



2. The learned counsel appearing for the petitioner submitted that in the order dated 23.02.2026, passed in the above revision, there are certain typographical errors. The appearance of the counsel is wrongly mentioned as “the learned Government Advocate (Crl.Side)” instead of ***“the learned counsel for the respondent”*** and in the 6th and 8th paragraphs, STC No., is wrongly mentioned as “Spl.S.C.No.37 of 2019 on the file of the Special Judge, Puducherry” instead of ***“STC No.3407 of 2022 on the file of the learned Metropolitan Magistrate, Fast Track Court – IV, George Town, Chennai.”*** Similarly, in paragraph No. 8, the time for payment of the balance fine amount is wrongly mentioned as “within a period of four weeks” instead of ***“within a period of four weeks from the date of receipt of a copy of this order.”*** Thus, he prayed for suitable directions.

3. Considering the submissions made by the learned counsel for the petitioner, the Registry is directed to issue an order copy afresh forthwith by correcting paragraph Nos. 5, 6, and 8 of the order as follows:

“5. The learned counsel for the respondent, per contra, submitted that the impugned judgments do not suffer from any infirmity; that the courts below rightly found the petitioner guilty and sentenced him to eight months Simple Imprisonment and to pay the cheque amount of Rs.7,00,000/- along with interest; and that the sentence imposed is justified and prayed for dismissal of the revision.



6. It is seen that the petitioner had deposited the entire cheque amount to the credit of **“STC No.3407 of 2022 on the file of the learned Metropolitan Magistrate, Fast Track Court – IV, George Town, Chennai.”** It appears that the petitioner had made attempts to pay the cheque amount to the respondent, which were refused. Though the respondent denies the same, the petitioner has produced copies of the demand draft and cheque allegedly drawn during the trial and appellate proceedings respectively.

8. Though the respondent has established the commission of offence by the petitioner, considering the conduct of the petitioner and the conduct of the respondent, this Court is of the view that the ends of justice would be met if the sentence imposed on the petitioner is modified. Accordingly, the petitioner is sentenced to pay a fine of Rs.8,50,000/- as fine. On payment of the fine amount, the learned Magistrate shall pay the said amount as compensation to the respondent. The petitioner has so far deposited a sum of Rs.7,00,000/- to the credit of **“STC No.3407 of 2022 on the file of the learned Metropolitan Magistrate, Fast Track Court – IV, George Town, Chennai.”** The said amount shall be treated as paid towards fine. The petitioner shall pay the balance fine amount of Rs.1,50,000/- **within a period of four weeks from the date of receipt of a copy of this order** and, in default, shall undergo three months' Simple Imprisonment.

06-03-2026

dk

Index: Yes/No

Speaking/Non-speaking order

Internet: Yes

Neutral Citation: Yes/No



To

1. The XVI Additional Sessions Judge, City Civil Court, Chennai.
2. The Metropolitan Magistrate, Fast Track Court IV,
George Town, Chennai.



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SUNDER MOHAN J.
dk

CRL RC No. 2863 of 2025

06-03-2026



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CRL RC No.2863 of 2



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 23-02-2026

CORAM

THE HONOURABLE MR.JUSTICE SUNDER MOHAN

CRL RC No. 2863 of 2025

1. Sanjay Jalan

Petitioner(s)

Vs

1. Sathish

Respondent(s)

PRAYER

To set aside the judgment dated 09.12.2025 of the learned XVI Additional Sessions Judge, City Civil Court, Chennai in C.A.No.189 of 2025 against the judgment dated 27.01.2025 of the learned Metropolitan Magistrate, Fast Track Court IV, George Town, Chennai in S.T.C.No.3407 of 2022.

For Petitioner(s): A.Nagarajan

For Respondent(s): Manoharan S Sundaram

ORDER

The petitioner has preferred the above Criminal Revision Case challenging the judgment passed by the learned XVI Additional Sessions Judge, City Civil Court, Chennai, in C.A. No.189 of 2025 dated 09.12.2025,



confirming the judgment of the learned Metropolitan Magistrate, Fast Track Court-IV, George Town, Chennai, convicting the petitioner for the offence under Section 138 of the Negotiable Instruments Act and sentencing him to undergo eight months' Simple Imprisonment and to pay compensation of Rs.7,00,000/- along with interest at 3% per annum from the date of dishonour of the cheque.

2. It is the case of the respondent that the petitioner was due to pay a sum of Rs.7,00,000/- to the respondent; that towards discharge of the said liability, the petitioner issued a cheque dated 26.07.2022 for a sum of Rs.7,00,000/-, drawn on ICICI Bank, Arcot Salai; that when the said cheque was presented for collection, it was returned with the endorsement "Funds Insufficient"; and that despite issuance of statutory notice, the petitioner failed to make payment and instead sent a reply notice containing false averments. Hence, the petitioner committed the offence under Section 138 of the Negotiable Instruments Act.

3. The respondent examined himself as P.W.1 and marked Ex.P1 to P5. The Trial Court found that the petitioner was liable to pay the sum of Rs.7,00,000/- and had not rebutted the statutory presumption under the Act, and consequently held him guilty of the offence under Section 138 of the Negotiable Instruments Act and sentenced him as stated above. The Appellate Court confirmed the conviction and sentence.



4. The learned counsel for the petitioner submitted that, while admitting the liability, the petitioner was always willing to pay the cheque amount during the trial as well as the appellate proceedings; that the respondent refused to receive the said amount and attempted to use the proceedings to arm-twist the petitioner in connection with other disputes between the parties; that during the pendency of the trial, the petitioner obtained a demand draft bearing No.567028 for Rs.7,00,000/-, which was refused by the respondent; and that pending appeal, the petitioner issued a cheque for Rs.7,65,508/-, being the cheque amount along with 3% interest as ordered by the Trial Court, which was also refused. He therefore submitted that the impugned judgments are liable to be set aside and, in any event, prayed for modification of the sentence imposed.

5. The learned Government Advocate (Crl. Side), per contra, submitted that the impugned judgments do not suffer from any infirmity; that the courts below rightly found the petitioner guilty and sentenced him to eight months Simple Imprisonment and to pay the cheque amount of Rs.7,00,000/- along with interest; and that the sentence imposed is justified and prayed for dismissal of the revision.

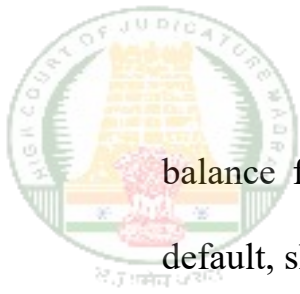
6. It is seen that the petitioner had deposited the entire cheque amount to the credit of Spl.SC.No.37 of 2019 on the file of the Special Judge, Puducherry.



It appears that the petitioner had made attempts to pay the cheque amount to the respondent, which were refused. Though the respondent denies the same, the petitioner has produced copies of the demand draft and cheque allegedly drawn during the trial and appellate proceedings respectively.

7. Be that as it may, it is well settled that the object of Section 138 of the Negotiable Instruments Act is to compensate the complainant. The compensatory aspect must be given precedence over the punitive aspect. The offence under Section 138 is quasi-criminal in nature. The provision itself contemplates punishment of either imprisonment or fine. Therefore, the sentence must be proportionate to the conduct of the accused and should depend upon the facts and circumstances of each case.

8. Though the respondent has established the commission of offence by the petitioner, considering the conduct of the petitioner and the conduct of the respondent, this Court is of the view that the ends of justice would be met if the sentence imposed on the petitioner is modified. Accordingly, the petitioner is sentenced to pay a fine of Rs.8,50,000/- as fine. On payment of the fine amount, the learned Magistrate shall pay the said amount as compensation to the respondent. The petitioner has so far deposited a sum of Rs.7,00,000/- to the credit of Spl.SC.No.37 of 2019 on the file of the Special Judge, Puducherry. The said amount shall be treated as paid towards fine. The petitioner shall pay the



balance fine amount of Rs.1,50,000/- within a period of four weeks and, in default, shall undergo three months' Simple Imprisonment.

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9. Accordingly, the criminal revision case is ordered.

23-02-2026

skr

Index: Yes/No

Speaking/Non-speaking order

Internet: Yes

Neutral Citation: Yes/No

To

1. Learned XVI Additional Sessions Judge, City Civil Court, Chennai
2. Learned Metropolitan Magistrate, Fast Track Court IV, George Town, Chennai.
3. The Special Judge, Puducherry.
4. The Public Prosecutor, Madras High Court, Chennai.



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CRL RC No. 2863 of 2025

23-02-2026